

**Refining the Proposed Action and Purpose and Need Statement for GOA Rationalization
NMFS Staff Report
June 2003**

Overview

Over the past year, the Council has developed a suite of elements and options for consideration as part of the GOA Rationalization SEIS process. Through the development of these alternatives, the Council has used the SEIS public scoping process and public testimony to identify this suite of alternatives, elements, options. This process has refined the proposed action, purpose and need, and alternatives, elements, options for consideration for GOA Rationalization. These refinements are being incorporated into the SEIS that Council and NMFS staff are currently preparing. The Council should consider reviewing the revisions in the proposed action and the purpose and need statements described here. Adopting this refined language will ensure that the alternatives, elements, options under consideration specifically address the goals of GOA Rationalization, fulfill the requirements of NEPA, and provide the public with guidance about the proposed action and how the alternatives, elements, and options address the stated purpose and need. The proposed action and purpose and need statement can be modified again in the future as the Council develops a more precise approach and suite of alternatives, elements, and options.

Background

In April 2002, the Council recommended initiation of the GOA Rationalization SEIS, and adopted a problem statement and a list of objectives for rationalization (**Attachment 1**). Using guidance from the Council's problem statement and objectives, the Council's GOA Work Group committee, and suggestions by NMFS and Council staff, NMFS published a notice of intent (NOI) to prepare an SEIS for GOA rationalization in the *Federal Register* on May 29, 2002 (67 FR 37393) (**Attachment 2**). The NOI invited public comment on the proposed action, the scope, and alternatives. The NOI defined the purpose and need, scope, and potential alternatives rather broadly because the Council had not refined the proposed action and a broad range of public comments was desired. The scope and proposed action in the NOI were developed at an early stage of the SEIS process and public comments have helped the Council to further refine the purpose and need.

Proposed Action

During the public scoping process, the public identified "rationalization" as the proposed action that the GOA Rationalization SEIS should address. The NOI provided a rather broad description of the proposed action as it was understood at that time. Since the publication of the NOI, the Council has considered public comments and through its deliberations has refined the proposed action. Specifically, the Council has developed a suite of alternatives, elements, options that would allocate harvest and possibly processing privileges and has eliminated an alternative to modify the existing license limitation program because it was not believed that such an alternative would address the purpose and need. **Based on the actions taken by the Council, we recommend that the proposed action be described as follows:**

The Council is proposing a new management regime that rationalizes groundfish fisheries in the Gulf of Alaska west of 140 degrees longitude. A rationalization program includes policies and management measures that may increase the economic efficiency of GOA groundfish fisheries by

providing economic incentives to reduce excessive capital investment. These management measures would apply to those species, or groups of species identified by the Council as benefitting from additional economic incentives that may be provided by rationalization. This rationalization program would exclude the hook-and-line sablefish fishery currently prosecuted under the IFQ Program. Rationalization also may provide economic incentives to reduce excess capital through the establishment of transferable harvesting privileges or other share-based systems for allocating access to the fishery resources.

Purpose and Need for the Action

The reason for defining a clear purpose and need statement is to ensure that the alternatives that have been developed by the Council are adequate to meet the identified problem. Guidance concerning the purpose and need is provided in The NEPA Book (Bass et al. 2001) and How to Write Quality EISs and EAs (The Shipley Group 1998).

*The statement of purpose and need helps the lead agency select the range of alternatives to be evaluated in the EIS. This section explains the underlying purpose and need to which the agency is responding in proposing the alternatives, including the proposed action (40 C.F.R. 1502.13), and the benefits that would be realized by carrying out the proposed action. Make your purpose and need an honest, full explanation of why the agency is considering an action. **Explain who wants to do what and where and why they want to do it.** If the purpose and need for the project are rigorously defined, the number of solutions which will satisfy the conditions can be more readily identified and narrowly limited. If properly described, it also limits the range of alternatives which may be considered reasonable, prudent, and practicable in compliance with the CEQ regulations. **The federal agency's preferred alternative is the one that it believes would best fulfill the purpose and need of the action.***

(Bass et al. 2001, The Shipley Group 1998)

The purpose and need statement recommended here incorporates the problem statement and the objectives adopted by the Council in April 2002. **Based on the actions taken by the Council, we recommend that the purpose and need be described as follows:**

The purpose of the proposed action is to create a management program that provides greater economic stability for harvesters, processors, and communities. The allocation of harvesting and possibly processing privileges would allow harvesters and processors to manage their operations in a more economically efficient manner. Rationalization of the harvesting sector eliminates the derby-style race for fish by providing economic incentives to consolidate operations and improve operational efficiencies of remaining operators. Greater economic stability may improve stock conservation by creating incentives to eliminate wasteful fishing practices. Rationalization programs may provide additional opportunities to address conservation goals by providing opportunities to utilize fishing methods that reduce bycatch and gear conflicts. Rationalization programs may also reduce the incentive to fish during unsafe conditions.

The need for the proposed action is reflected in the increasing participation in the Gulf of Alaska fisheries, as well as increasing catching and processing capacity, which has intensified the race for fish with the attendant problems of:

1. reduced economic viability of the harvesters, processors, and GOA communities
2. high bycatch,

3. decreased safety,
4. reduced product value and utilization,
5. jeopardy to community stability and their historic reliance on groundfish fishing and processing,
6. limited the ability of the fishery harvesters and processors to respond to changes in the ecosystem
7. limited the ability to adapt to Magnuson-Stevens Act (MSA) requirements to minimize bycatch and protect habitat,
8. limited the ability to adapt to changes to other applicable law (i.e., Endangered Species Act).

All of these factors have made achieving the goals of the National Standards in the Magnuson-Stevens Act difficult and encourage reevaluation of the status quo management of the GOA groundfish fisheries. The management tools in the existing FMP for GOA groundfish do not provide managers with the ability to improve the economic efficiency of the fishery and effectively solve the excess harvesting capacity and resource allocation problems in the GOA groundfish fisheries. The Council has determined that some form of rationalization program is warranted.

Attachments

Attachment 1: April 2002 Problem Statement

Attachment 2: Notice of Intent to Prepare a SEIS.

**Attachment 1: Problem Statement for Gulf of Alaska Groundfish Rationalization – April 2002
(Council Version)**

Increasing participation in the Gulf of Alaska fisheries, as well as increasing catching and processing capacity, have intensified the race for fish with the attendant problems of:

- reduced economic viability of the harvesters, processors, and GOA communities
- high bycatch,
- decreased safety,
- reduced product value and utilization,
- jeopardy to community stability and their historic reliance on groundfish fishing and processing,
- limited the ability of the fishery harvesters and processors to respond to changes in the ecosystem
- limited the ability to adapt to Magnuson-Stevens Act (MSA) requirements to minimize bycatch and protect habitat,
- limited the ability to adapt to changes to other applicable law (i.e., Endangered Species Act).

All of these factors have made achieving Magnuson-Stevens Act goals difficult and force reevaluation of the status quo.